

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2016

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION APPROVING THE REQUEST BY THE LAND CONSERVANCY OF
SAN LUIS OBISPO COUNTY FOR A WAIVER OF PERMIT PROCESSING FEES FOR
VARIOUS CONSTRUCTION PERMITS ASSOCIATED WITH THE CONSTRUCTION
OF TWO PARKING AREAS, RESTROOM AND PICNIC FACILITIES, AN ADA
ACCESSIBLE TRAIL AND MULTI-USE TRAILS TO ACCOMMODATE VISITORS
TO THE 880 ACRE PISMO PRESERVE CONSERVATION AREA PROPOSED FOR
THE PROPERTY ON THE EAST SIDE OF MATTIE ROAD AND HIGHWAY 101**

The following resolution is now offered and read:

WHEREAS, The Land Conservancy of San Luis Obispo County, a 501(c)3 California non-profit corporation, has requested a waiver of the permit processing fees for various construction permits associated with for the construction of two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area; and

WHEREAS, the Department of Planning and Building informed the Land Conservancy of San Luis Obispo County that their request for waiver of permit processing fees for various construction permits associated with the construction of two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area must go before the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) as set forth in Footnote 4.e of the Department of Planning and Building Fee Schedule; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on April 5, 2016, and a determination and decision was made on April 5, 2016; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the request and finds that the request for waiver of permit fees should be granted subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the request by the Land Conservancy of San Luis Obispo County is hereby approved for a waiver of up to a total of \$20,000.00 in permit processing fees for various

Attachment 1 – Board Resolution

construction permits associated with the construction of two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area.

Upon motion of Supervisor _____, seconded by Supervisor

_____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel


By: Deputy County Counsel

Dated: March 22, 2016

Attachment 1 – Board Resolution

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2016.

(SEAL)

County Clerk and Ex-Officio Clerk of the
Board of Supervisors
By: _____ Deputy Clerk

EXHIBIT A

Findings

1. The project meets a need previously identified or recognized by the Board of Supervisors because it provides 880 acres of preserved open space area which will be open to the public for recreational uses.
2. The project provides a recreation area not presently available in the community because it will serve the general public by providing hiking, biking and equestrian trails as well as an ADA trail for those individuals who cannot access traditional unpaved trail systems. This provides a unique opportunity within the coastal area of the South County.
3. The project has generated substantial, obvious, community support.
4. The project would reduce other County costs because it is not funded directly by the County and it will serve individuals that live in the community. In addition, it will attract visitors from outside the County who will spend money at adjacent communities and within San Luis Obispo County.
5. Waiver of the fees is equitable and in the public interest per Footnote 4.e of the San Luis Obispo County Department of Planning and Building Fee Schedule because the multi-use trail system is being developed and maintained at no expense to the County, will be available to the public at large with no access fee initially, and will create recreational opportunities for the community.

EXHIBIT B

Footnote 4e

San Luis Obispo County Department of Planning and Building Fee Schedule

The Planning Director is delegated the authority to grant fee waiver request for land use and construction permits on development projects that are proposed by volunteer, community, or nonprofit organizations for the benefit of an entire community when the project satisfies the following criteria. The policy does not apply to requests for general plan amendments.

- a. The proposed project will be available for use by the public at-large and it is likely that the project will be used or will benefit more than the residents of the immediate vicinity; and
- b. The project will be of obvious public benefit. Evidence of public benefit may include but is not limited to:
 - 1. The project meets a need previously identified or recognized by the Board of Supervisors;
 - 2. The project replaces another facility that previously provided public benefit;
 - 3. The project provides a facility not presently available in the community;
 - 4. The project has generated substantial, obvious community support;
 - 5. The project would reduce other County costs or increase other County revenues.
- c. The fee(s) to be waived will not exceed a total of \$ 5,000.
- d. The Planning Director decisions may be appealed in writing within ten days to the Board of Supervisors, whose decisions will be final.
- e. Notwithstanding any other provision of this fee schedule, the Board of Supervisors retains the authority to consider other fee waiver requests when it considers such waivers to be equitable and in the public interest.